



INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference mqa.2505.pct.ja.d	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/04131	International filing date (day/month/year) 17.09.2003	Priority date (day/month/year) 17.09.2002
International Patent Classification (IPC) or both national classification and IPC G06F17/60		
Applicant MOBIQA LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13.04.2004	Date of completion of this report 22.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kemény, M Telephone No. +49 89 2399-7941 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/04131

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-22 as published

Claims, Numbers

1-26 filed with telefax on 07.09.2004

Drawings, Sheets

1/6-6/6 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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International application No. **PCT/GB 03/04131**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-12,14-26
	No: Claims	1,13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/04131

Re Item I

Basis of the report

1 Prior Art

Reference may be made to the following documents:

- D1: EP-A-1 178 421 (HITACHI MAXELL) 6 February 2002 (2002-02-06)
- D2: WO 01/95267 A (NOKIA MOBILE PHONES LTD ;HENDRA KENDRO (ID)) 13 December 2001 (2001-12-13)
- D3: EP-A-0 713 198 (HITACHI LTD) 22 May 1996 (1996-05-22)
- D4: US 2002/091571 A1 (THOMAS NICHOLAS A ET AL) 11 July 2002 (2002-07-11)

2 Summary

The application does not meet the requirements of Article 33(1) PCT, because the subject-matter of the independent claims is not new within the meaning of Article 33(2) PCT. The dependent claims are lacking an inventive step within the meaning of Article 33(3) PCT.

3 Amendments

The amendments to the claims consist of the inclusion of subject-matter of dependent claims into the independent claims. Therefore, the amendments seem to be allowable.

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

4 Novelty

4.1 Independent Claim 1

Document D1 is considered to be the closest prior art. When reference is being made to a specific paragraph in the document, the number of that paragraph is indicated in brackets, e.g. [0071] for paragraph 71.

D1 discloses a system comprising;

- 1) a database for storing the capabilities of mobile devices (figure 1, Database 2, item "manufacturer data storage", reference 22);
- 2) a mobile device [0001];
- 3) a mobile device identifier associated with said mobile device ("The bar code generator generates a bar code information or the desired electronic coupon in response to instructions from the cellular phone", [0133], these "instructions" having the same function as the claimed identifier and is therefore considered disclosed);
- 4) a message processor means for generating message data comprising a coupon ("(...) electronic coupon system for providing electronic coupons to mobile communication devices" [0001]);
- 5) a message optimiser means for generating an optimised message responsive to:
 - said message data (implicit)
 - and the capabilities of said mobile device ("(...) the coupon processor sends web page data to the user cellular phone in a format (...) enabling display on the screen of the user cellular phone." [0082])
- 6) and a communication means for transmitting said optimised message to said mobile device ("(...) and sent to the user cellular phone via communication network, relay center and base station." [0071]).

Therefore, all features of claim 1 are known from D1. The claim therefore cannot be considered to be novel within the meaning of Article 33(2) PCT. The requirements of Article 33(1) PCT are not met.

4.2 Independent Claim 13

Claim 13 claims the same subject-matter as claim 1, employing the wording of a method claim. As a consequence, claim 13 cannot be considered to be novel within the meaning of Article 33(2) PCT. The requirements of Article 33(1) PCT are not met in this respect, either.

5 Inventive Step

The features of the other dependent claims, insofar as they are not known from the documents cited in the Search Report for the same purpose as in the present application, are generally known to a person skilled in the art, and therefore, do not produce an inventive step.

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1 Claims

2

3 1. A system comprising;

4 • a database means for storing the capabilities of
5 mobile devices;

6 • a mobile device;

7 • a mobile device type identifier associated with
8 said mobile device;9 • a message processor means for generating message
10 data comprising a coupon;11 • a message optimiser means for generating an
12 optimised message responsive to said message data
13 and responsive to the stored capabilities
14 corresponding to said mobile device type
15 identifier; and16 • a communication means for transmitting said
17 optimised message to said mobile device.

18

19 2. The system according to Claim 1, characterised in
20 that said capabilities comprise at least one device
21 attribute associated with a mobile device type.

22

23 3. The system according to Claim 2, characterised in
24 that said device attribute comprises a display
25 dimension and/or a colour depth.

26

27 4. The system according to any one of Claims 1 to 3,
28 characterised in that said communication means
29 comprises a gateway means for transmitting said
30 optimised message to a network.

31

32 5. The system according to Claim 4, characterised in
33 that said communication means comprises a router

24

1 means for selecting the gateway means for message
2 transmission.

3
4 6. The system according to any one of Claims 1 to 5,
5 characterised in that said coupon comprises a
6 barcode number, barcode symbology, a barcode image,
7 and/or text content.

8
9 7. The system according to any one of Claims 1 to 6,
10 characterised in that said optimised message
11 comprises multimedia content.

12
13 8. The system according to Claim 7, characterised in
14 that said multimedia content comprises video, audio,
15 and/or a photograph.

16
17 9. The system according to any previous claim,
18 characterised in that said message data further
19 comprises said mobile device type identifier.

20
21 10. The system according to any one of Claims 1 to 9,
22 characterised in that said system further comprises
23 a barcode generator means for generating barcodes.

24
25 11. The system according Claims 10, characterised in
26 that said generated barcodes are random barcodes.

27
28 12. The system according to Claim 10 or 11,
29 characterised in that said system further comprises
30 a barcode encoder means for encoding said generated
31 barcodes.

32

1 13. A method for delivering a message to a mobile device
2 comprising the steps of:

- 3 • inputting capabilities of mobile devices;
- 4 • storing said capabilities of mobile devices;
- 5 • generating message data comprising a coupon and a
6 mobile device type identifier associated with said
7 mobile device;
- 8 • retrieving the stored capabilities corresponding
9 to said mobile device type identifier;
- 10 • generating an optimised message responsive to said
11 message data and said retrieved capabilities; and
12 • transmitting said optimised message to said mobile
13 device.

14
15 14. The method according to Claim 13, characterised in
16 that said capabilities comprise at least one device
17 attribute associated with a mobile device type.

18
19 15. The method according to any one of Claims 13 to 14,
20 characterised in that said device attribute
21 comprises a display dimension and/or a colour depth.

22
23 16. The method according to any one of Claims 13 to 15,
24 characterised in that said method further comprises
25 the step of transmitting said optimised message to a
26 network.

27
28 17. The method according to any one of Claims 13 to 16,
29 characterised in that said method further comprises
30 the step of selecting a gateway means for message
31 transmission.

26

- 1 18. The method according to any one of Claims 13 to 17,
2 characterised in that said coupon comprises a
3 barcode number, barcode symbology, and/or a barcode
4 image.
5
- 6 19. The method according to any one of Claims 13 to 18,
7 characterised in that said optimised message
8 comprises multimedia content.
9
- 10 20. The method according to Claim 19, characterised in
11 that said multimedia content comprises video, audio,
12 and/or a photograph.
13
- 14 21. The method according to any one of Claims 13 to 20,
15 characterised in that said step of generating the
16 optimised message comprises downgrading said
17 generated message data.
18
- 19 22. The method according to any one of Claims 13 to 21,
20 characterised in that said method further comprises
21 the step of generating barcodes.
22
- 23 23. The method according to Claim 22, characterised in
24 that said generated barcodes are random barcodes.
25
- 26 24. The method according to Claim 22 or 23,
27 characterised in that said method further comprises
28 the step of encoding said generated barcodes.
29
- 30 25. A computer program for carrying out the method
31 according to any one of Claims 13 to 24.
32

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- 1 26. A carrier for carrying the computer program
- 2 according to Claim 25.
- 3

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AMENDED SHEET

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